



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 05 2008

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7004-1160-0002-3622-5256

In Reply Refer to:

EPA File No. 01R-07-R4



Re: Rejection of Administrative Complaint

Dear Mr. White:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting your administrative complaint dated February 10, 2007. The complaint, filed on behalf of the African American residents of North Port St. Joe, Florida, was received by OCR on February 26, 2007. The complaint alleges that the City of Port St. Joe and the Port St. Joe Redevelopment Agency (PSJRA) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d to 2000d-7, and EPA's nondiscrimination regulations.

Under EPA's nondiscrimination regulations, a recipient of EPA financial assistance may not discriminate on the basis of race, color, national origin, sex, or disability. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, gender, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, it must be filed against an applicant for, or a recipient of, EPA assistance that committed the allegedly discriminatory act.

EPA can also accept for investigation allegations involving an attempt by a recipient or other person to intimidate, threaten, coerce, or discriminate against any individual because he or she filed a complaint or participated in a complaint investigation. In these instances, EPA financial assistance is not required. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

OCR sent a request for additional information to the original filer of this complaint, Carolyn Chapman, on January 3, 2008. Additional information was needed to determine whether OCR could investigate the allegations in this complaint. Ms. Chapman replied in a letter dated January 21, 2008, that she no longer represents the complainants in this matter, and directed OCR to communicate with you. A subsequent letter, dated February 7, 2008, was sent to you requesting the additional information. Our records show that you received the subsequent letter on February 12, 2008. To date, OCR has not received a reply to this letter.

After careful consideration, OCR has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements in EPA's nondiscrimination regulations. Specifically, neither the City of North Port St Joe nor the Port St Joe Redevelopment Agency is a recipient of EPA financial assistance. As stated earlier, complaints must be filed against an applicant for, or a recipient of, EPA assistance that committed the allegedly discriminatory act(s). Since your allegations do not name an EPA applicant or recipient, OCR cannot accept this complaint for investigation.

In addition, while a complaint of retaliation or intimidation may be made against entities or persons who have not received financial assistance from EPA, the retaliation or intimidation alleged must have occurred because a discrimination complaint was filed, or the complainant participated in any manner in an investigation or hearing concerning alleged discrimination by the recipients. EPA sought a description of the specific acts of intimidation, as well as the date(s) of the alleged intimidation. To date, EPA has not received a reply. Since your allegations of intimidation did not describe specific acts and do not state when they occurred, OCR cannot accept this complaint for investigation.

If you have any questions, please contact Loren Hall of the OCR External Compliance Program at (202) 343-9675, via electronic mail at hall.loren@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Debra Thomas, Title VI Coordinator
EPA Region 4

Gail Alsobrook, Director
Port St Joe Redevelopment Agency (PSJRA)
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Melvin C. Magidson Jr, Mayor
City of Port Saint Joe
PO Box 278
Port St. Joe, FL 32457